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**ZONING HEARING APPLICATION  
MIAMI-DADE COUNTY  
DEPARTMENT OF PLANNING & ZONING**

LIST ALL FOLIO #S: 30-4131-009-0120

Date Received

1. **NAME OF APPLICANT** (Provide complete name of applicant, exactly as recorded on deed, if applicable. If applicant is a lessee, an executed "Owner's Sworn-to-Consent" and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

S. Roger Wolin and Dorothy G. Wolin

2. **APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:**

Mailing Address: 7677 Ponce de Leon Rd.

City: Miami State: FL Zip: 33143 Phone#: \_\_\_\_\_

3. **OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:**

Owner's Name (Provide name of ALL owners): Same as above

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone#: \_\_\_\_\_

4. **CONTACT PERSON'S INFORMATION:**

Name: Jerry Proctor, Esq.

Company: Bilzin Sumberg Baena Price & Axelrod LLP

Mailing Address: 200 South Biscayne Boulevard, Suite 2500

City: Miami State: FL Zip: 33131

Phone#: 305.350.2361 Fax#: 305.351.2250 E-mail: jproctor@bilzin.com

5. **LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION**

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range, if the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets, as needed).

See Exhibit "A"

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BY W

LEGAL DESCRIPTION:

Lot 3, Block 3, "Amended Plat of Granada Park", according to the plat thereof, as recorded in Plat Book 40 at Page 21, of the Public Records of Miami-Dade County, Florida.

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6. **ADDRESS OR LOCATION OF PROPERTY** (For location, use description such as NE corner of, etc.)

7677 Ponce de Leon Rd.

7. **SIZE OF PROPERTY** (in acres): 1± (divide total sq. ft. by 43,560 to obtain acreage)

8. **DATE** property ☒ acquired ☐ leased: Lease term: 10 years  
(month & year)

9. **IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S)**, provide complete legal description of said contiguous property.

N/A

10. **Is there an option to purchase** ☐ **or lease** ☐ **the subject property or property contiguous thereto?** ☒ no ☐ yes (If yes, identify potential purchaser or lessee and complete "Disclosure of Interest" form)

11. **PRESENT ZONING CLASSIFICATION:** FU-1

12. **APPLICATION REQUESTS** (Check all that apply and describe nature of the request in space provided) (DBC's require special exception to permit site plan approval unless rezoning 3 acres or less to residential categories)

☒ District Boundary Changes (DBC) [Zone class requested]: EU-S

☐ Unusual Use: \_\_\_\_\_

☐ Use Variance: \_\_\_\_\_

☐ Alternative Site Development: \_\_\_\_\_

☐ Special Exception: \_\_\_\_\_

☐ Modification of previous resolution/plan: \_\_\_\_\_

☐ Modification of Declaration or Covenant: \_\_\_\_\_

13. **Has a public hearing been held on this property within the last year & a half?** ☒ no ☐ yes. If yes, provide applicant's name, and date, purpose and results of hearing, and resolution number:

14. **Is this hearing as a result of a violation notice?** ☒ no ☐ yes. If yes, give name to whom the violation notice was served: \_\_\_\_\_ and describe the violation:

15. **Describe structures on the property:** Single family home

16. **Is there any existing use on the property?** ☐ no ☒ yes. If yes, what use and when established?

Use: Residential

Year: 1952

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BY



### APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

#### OWNER OR TENANT AFFIDAVIT

(I)(WE), S. Roger Wolin and Dorothy G. Wolin, being first duly sworn, depose and say that (I am)(we are) the ☒ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

S. Roger Wolin  
Signature

[Signature]  
Signature

Sworn to and subscribed to before me  
this 7th day of May, 2007.

Notary Public: [Signature]

Commission Expires: Feb 11, 2011

NOTARY PUBLIC - STATE OF FLORIDA  
**Michael Pelaez**  
Commission # DD630542  
Expires: FEB. 11, 2011  
BONDED THRU ATLANTIC BONDING CO., INC.

#### CORPORATION AFFIDAVIT

I/we N/A being first duly sworn, depose and say that I am the aforesaid limited liability company, and as such, have been authorized to file this application for public hearing; and that said limited liability company is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: \_\_\_\_\_

(Corp. Seal)

Sworn to and subscribed to before me  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public: \_\_\_\_\_

Commission Expires: \_\_\_\_\_

#### PARTNERSHIP AFFIDAVIT

WE, the undersigned, being first duly sworn, depose and say that we are partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

By N/A %  
By \_\_\_\_\_ %

\_\_\_\_\_  
(Name of Partnership)

By \_\_\_\_\_ %  
By \_\_\_\_\_ %

Sworn to and subscribed to before me  
this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

Notary Public: \_\_\_\_\_

Commission Expires: \_\_\_\_\_

#### ATTORNEY AFFIDAVIT

I, Jerry Proctor, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Jerry Proctor

Sworn to and subscribed to before me  
this \_\_\_\_ day of \_\_\_\_\_, 2007.

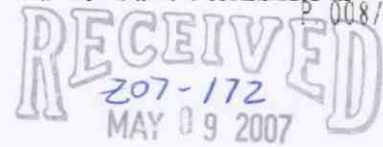
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# **RESPONSIBILITIES OF THE APPLICANT**

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MIAMI-DADE PLANNING AND ZONING DEPT.

I AM AWARE THAT:

BY W

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning applications which may affect the scheduling and outcome of applications. These reviews may require additional public hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property. In addition to mailing costs, fees related to application changes, plan revisions, deferrals, re-advertising, etc., may be incurred. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. I understand that fees must be paid promptly.
3. The South Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and that a building permit will probably be required. I am responsible for obtaining permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use and Occupancy must be obtained for the use of the property after it has been approved at Zoning Hearing, and that failure to obtain the required permits and/or Certificates of Completion or of Use and Occupancy will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. In Miami-Dade County v. Omnipoint Holdings, Inc., Case No. 3D01-2347 (Fla. 3rd DCA 2002), the 3rd District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of covenants. This is not a final decision and the County Attorney's Office is seeking further review. In the interim, the County Attorney's Office is working with the Planning and Zoning Department's professional staff to develop new standards that will address the Court's concerns. While the new standards are being developed, applicants are advised that any non-use variance, special exception, unusual use, new use requiring a public hearing or request for modification of covenants granted under the existing standards are subject to being reversed in the courts. An applicant wishing to avoid the substantial legal risks associated with going forward under the existing standard may seek a deferral until the new standards are developed.
6. Any covenant to be proffered must be submitted to the Department's Legal Counsel, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. And that Legal Counsel can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Counsel must carry a cover letter indicating subject matter, application number and hearing date. Legal Counsel may be reached at (305) 375-3075

S. Roger Wolin  
S. Roger Wolin

Dorothy G. Wolin  
Dorothy G. Wolin

Sworn to and subscribed before me this 7<sup>th</sup> day of May, 2007. Affiants are personally known to me or have produced \_\_\_\_\_ as identification.

Michael Pelaez  
(Notary Public)

My commission expires Feb 11, 2011

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NOTARY PUBLIC - STATE OF FLORIDA  
**Michael Pelaez**  
Commission # DB630542  
Expires: FEB. 11, 2011  
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OWNERSHIP AFFIDAVIT  
FOR  
INDIVIDUAL

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY W

STATE OF FLORIDA

Public Hearing No. \_\_\_\_\_

COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared S. Roger Wolin and Dorothy G. Wolin, hereinafter the Affiants, who being first duly sworn by me, on oath, depose and say:

1. Affiants are the fee owner of the property which is the subject of the proposed hearing.
2. The subject property is legally described as:

See Exhibit "A"

3. Affiants understand this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

William Couelo Jr.  
Signature

Couelo Jr., William  
Print Name

Sherlock L. Wilson  
Signature

Sherlock L. Wilson  
Print Name

S. Roger Wolin  
S. Roger Wolin

Dorothy G. Wolin  
Dorothy G. Wolin

Sworn to and subscribed before me on the 7<sup>th</sup> day of May, 2007. Affiants are personally known to me or have produced \_\_\_\_\_ as identification.

Michael Pelaez  
Notary  
(Stamp/Seal)

My Commission Expires: Feb 11, 2011

## Notice to all Applicants

## Advisories from the County Attorney's Office

Advisory 1

A recent decision of the Third District Court of Appeal has ruled that zoning applications that are inconsistent with the Comprehensive Development Master Plan cannot be approved by a zoning board based upon considerations of fundamental fairness.

Applicants are advised that if their hearing request is inconsistent with the Comprehensive Development Master Plan and they decide to go forward with the public hearing they cannot be approved under considerations of fundamental fairness, but can only be denied or deferred.

Advisory 2

A panel of judges of the Third District Court of Appeal, recently issued a statement that the standard for non-use variances in the Code of Miami-Dade County is legally insufficient. *Miami-Dade County v. Brennan*, 2001 WL 1472655 (Fla. 3rd DCA 2001). Although the Court was not in a position to issue a binding ruling, it is the opinion of the County Attorney's Office that any non-use variance issued under the present standard would be unlikely to be sustained if challenged in court. The County Attorney's Office is working with the Planning and Zoning Department's professional staff to develop a new standard that will address the Court's concerns. While the new standard is being developed, applicants are advised that any non-use variance granted under the existing standard is subject to being reversed in the courts. An applicant wishing to avoid the substantial legal risks associated with going forward under the existing standard may seek a deferral until the new standard is developed.

By signing below the applicant acknowledges that they have read and understood this Notice.

S. Roger Wolin

S. Roger Wolin

Dorothy Wolin

Dorothy G. Wolin

5/7/07

Date

5/7/07

Date

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